IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10657 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.D.S.Patil for the petitioner.
Mr.C.R.Sonawane AGP for the State.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 18TH AUGUST, 2005.

P.C.:

. By this petition, the petitioner challenges the order passed by the Caste Scrutiny Committee invalidating the certificate of the petitioner of belonging to Schedule Tribe called "Mahadeo Koli". The committee has given cogent and legal reasons for not accepting claim of the petitioner. The committee has also considered the certificates of relations of the petitioner. It has observed, in relation to those certificate as under:

> . So far the caste certificates of the applicant and his relatives are concerned, it is to be pointed out that the caste certificate is always subject to scrutiny. Consequently caste certificate cannot be treated as conclusive proof to determine the tribe claim of the applicant.
> . So far the documents quoted at Sr.No.2, 6, 11 and 13

> are concerned, it is to be pointed out that this is self declaration which has no probative value to determine the tribe claim of the applicant."

2. Thus those certificates are also considered alongwith judgment of this court in the case of relation of the petitioner and relying on the judgment of the Supreme Court as also this court it is observed that the order passed by the Tribal Commissioner in appeal is also open to the scrutiny which was not done and, therefore, the orders were ignored. The basic documents of the caste of the father and Uncle have been considered where they are shown Hindu Koli. In such circumstances the order of the committee is based on cogent reasons. Merely because different view can be canvassed it cannot be said that any jurisdictional error is committed by the committee.

3. Apart from that the petitioner is already in employment and his services are protected by the resolution dated 15.6.1995. In such circumstances we see no reason to interfere with the order impugned. The order impugned is

confirmed. The petition is dismissed.

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